

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (BA) NO. 691 OF 2017

(DHARMENDRA @ JITU CHARANDAS MENDHE....VS.. STATE OF MAH.THR.P.S.O., RAILWAY
POLICE STATION, NAGPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.M.Dixit, Advocate for Applicant.
Shri T.A.Mirza, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JULY 27, 2017.

Heard.

The applicant is arrested on 1st September, 2016 in connection with Crime No.607 of 2016 registered for the offences punishable under Sections 363, 376(2)(i) of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The crime is registered on the complaint lodged by the prosecutrix, aged about 16 years, that when she was at the platform of Railway Station, waiting for her friend, the applicant offered to help her and asked her to accompany her, the prosecutrix went with the applicant on motorcycle, the applicant took her to a remote place and committed the crime.

The application is opposed on the ground that there is ample evidence including CCTV footage which shows that the applicant and the prosecutrix had gone together on the basis of which it can be said that *prima-facie* the applicant has committed the crime, as alleged by the prosecutrix. The learned A.P.P. has argued that charges are already framed and the trial can soon be conducted and completed.

The learned advocate for the applicant has pointed out that the charges are framed in December, 2016, however, the trial is not commencing as the prosecution has not been able to obtain the Chemical Analyzer's report and they are waiting for it.

Be that as it may, the charge-sheet is filed. The non-applicant has not been able to point out that further custody of the applicant is required for investigation. The applicant, aged about 24 years, claims to be an agriculturist and permanent resident of Kodapur, Tahsil : Ramtek, District : Nagpur and he has stated that he is not involved in any other crime/ offence.

In the facts of the case, following order is passed:

The applicant having been arrested in connection with Crime No.607 of 2016, registered by the non-applicant, the applicant be released on bail on executing P.R. Bond for Rs.Twenty Five Thousand and furnishing two solvent sureties in the like amount.

The applicant shall attend the trial before the Special Court on every date unless granted exemption by the Special Court.

The application is **allowed** in the above terms.

JUDGE